

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KAREN P.,

Plaintiff,

-v-

8:20-CV-841

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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Special Ass't U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On July 27, 2020, plaintiff Karen P.¹ (“plaintiff”) filed this action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner”) denying her application for Supplemental Security Income (“SSI”) under the Social Security Act (the “Act”).

The Commissioner has filed a certified copy of the Administrative Record and both parties have briefed the matter in accordance with General Order 18, which provides that an appeal taken from the Commissioner’s final decision denying benefits will be treated as if the parties have filed cross-motions for judgment on the pleadings. *See* FED. R. CIV. P. 12(c).

On November 29, 2021, U.S. Magistrate Judge David E. Peebles advised by Report & Recommendation (“R&R”) that the Commissioner’s final decision denying benefits be affirmed. Dkt. No. 33. Plaintiff has filed objections, Dkt. No. 34, which have been fully briefed, Dkt. No. 35.

Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

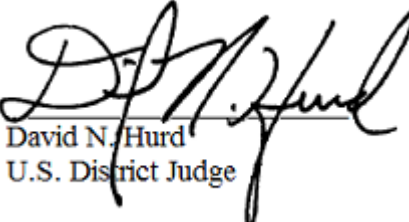
¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only claimant’s first name and last initial will be mentioned in this opinion.

1. The Report & Recommendation is ACCEPTED;
2. The Commissioner's motion for a judgment on the pleadings is GRANTED;
3. Plaintiff's motion for a judgment on the pleadings is DENIED;
4. The Commissioner's final decision is AFFIRMED; and
5. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: December 17, 2021
Utica, New York.



David N. Hurd
U.S. District Judge